THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13519 of 2006

25-07-2006

Between:-

Uppukonduri Raghavayya and seven others.

Petitioners

And

The Executive Officer, Sri Ranganayaka Swamy Devasthanam, Solasu village, Yedlapadu Mandalam, Guntur district and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13519 of 2006

Oral order:

Admittedly, the petitioners' leasehold rights in respect of the lands of Sri Ranganayaka Swamy Devasthanam, Solasu village came to an end by June, 2006. The singular case of the petitioners is that even after the end of their leasehold tenure, they had made investments on the lands having sown the seeds with the onset of monsoon and the rains; and that they allege to have made the land ready by manuring with a view to raise crop. The petitioners assert that they made this investment because the respondents did not hold a public auction of the lands for grant of leasehold rights for the

period subsequent to 2005-06.

Responding to the allegations, the 4th respondent, the Commissioner of Endowments, has filed a counter affidavit after causing an inquiry through the Joint Commissioner of Endowments and Executive Officer of S r i Venkateshwara Swamy Devasthanam, Dwaraka Tirumala. The answering respondent states that after expiry of the lease period (of the petitioners and others), the Manager of Sri Ranganayaka Swamy Temple, Solasa proposed to lease out the lands by way of public auction scheduled on 15-05-2006. A public auction was purportedly conducted, but the Deputy Commissioner of Endowments, Guntur having received complaints from the public and press alleging that no auction, in fact was conducted, except a concocted auction, stage managed by the Manager in collusion with the founder trustee; the Deputy Commissioner declined approval for the so called auction held on 15-05-2006 and instructed the competent officer to conduct a re-auction in the presence of the Inspector, Endowments Department, Sattenapalli. The 4th respondent's counter also asserts that when the Manager of the Temple proposed to conduct a public auction on 08-07-2006, there was a hindrance to the conduct of such auction by the sitting tenants and others and therefore the

public auction could not be conducted.

On behalf of the petitioners, learned counsel for the petitioners Sri E. V. Bhagiratha Rao states that as the petitioners have already invested substantial amounts, some of them by taking loans from banks or financial institutions for raising crops, even after the end of the period of the earlier lease, they should be permitted to harvest the crop. This contention is stated to be rejected. After the determination of the tenure of lease, the petitioners had no right or legitimate expectation that they would continue as tenants. On conclusion of the period of tenancy, if the petitioners occupy the lands, they are clearly encroachers and are liable to be evicted by the due process of law and without any right, legal or equitable. Any investments made by them on such tenuous and non-existent status, on lands belonging to the Temple being wholly illegal and speculative investments, they are not entitled to any equitable consideration. They will have to face the consequences of an illegal and adventurous experiment and the process of law will not come to their succour.

The 4th respondent in his counter affidavit has stated that the further process of public auction of leasehold rights of the lands of the Temple, scheduled on 08-07-

2006 could not be proceeded with on account of resistance by the sitting tenants and others. The 4th respondent has all the power and authority under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') as the Chief Administrator to ensure effectuation of the provisions of the Act. The provisions of the Act and the relevant Rules made thereunder mandate that the leasehold rights of agricultural lands belonging to an endowment or religious institution should be by way of public auction. Every department and authority of the State and every executive agency of the Sate is obligated to lend full and unreserved co-operation to effectuate the mandate and purposes of every legislation. Execution of the legislative mandate is duty of the every executive agency of the State. Section 83 of the Act also enables the competent authority to evict encroachers by a speedy and summary process. The 4th respondent should therefore in accordance with the obligations under the provisions of the Act issue necessary directives to the competent authority to evict the encroachers in accordance with the due process of law and also, if necessary requisition the District Collector or the Superintendent of Police concerned to send adequate

force to enable the conduct of public auction. If the 4th respondent considers it expedient and necessary, he may depute an officer not below the rank of a Deputy Commissioner of Endowments to supervise the conduct of the public auction to ensure that the fraudulent conduct of auction as earlier, is not repeated.

For the aforesaid reasons, the petitioners are not entitled to any relief. The writ petition is dismissed at the stage of admission, but with above observations.

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GODA RAGHURAM, J

Dated:25-07-2006
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